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## Chieftaincy Act, 1971



### THE 370TH ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED THE CHIEFTAINCY ACT, 1971

An ACT to amend the statute law on chieftaincy in order to bring it into conformity with the provisions of the Constitution and to make other provisions relating to chieftaincy.

#### DATE OF ASSENT:

17th September, 1971

**BE IT ENACTED** by the President and the National Assembly in this present Parliament assembled as follows:—

#### Part I—National House of Chief

- There is hereby established a National House of Chiefs.
- The membership of the National House of Chiefs shall be chiefs-composed of five chiefs from each Region of Ghana elected by the House of Chiefs of the Region.
- The National House of Chiefs shall have a President who shall be Head of the National House of Chiefs.
- The President of the National House of Chiefs shall be a chief elected by the members of the National House of Chiefs from among their number.
- There shall also be a Vice-President of the National House of Chiefs who shall act as the Head of that House in the absence of the President and shall perform the functions of the President in the absence of the President.
- The Electoral Commissioner shall supervise any election of a person as President, Vice-President or member of the National House of Chiefs and he or any public officer nominated by him in writing shall be the returning officer for any such election.
- The body known immediately before the commencement of this Act as the National House of Chiefs shall be deemed to be the National House of Chiefs for the purposes of this Act.
- Any person holding the office of President or Vice-President of the said House or who was a member of that House immediately before the commencement of this Act shall be deemed to have been duly elected for the purposes of this Act with effect from the commencement of this Act.
- A person elected President or Vice-President or member of the National House of Chiefs shall hold office for three years but shall upon the expiration of his term of office be eligible for re-election, so however that no person shall be eligible to hold office as President for more than two terms in succession.
- No person shall be qualified to be President or Vice-

#### President of the National House of Chiefs—

1. If he has been sentenced to death or to a term of imprisonment exceeding twelve months without option of a fine or has been convicted of an offence involving dishonesty or moral turpitude and in each case has not been granted a free pardon; or
2. If he is adjudged to be a person of unsound mind;
3. If having been declared as an insolvent or bankrupt under any law for the time being in force in Ghana or in any other country he is an undischarged insolvent or bankrupt; or
4. If being a person possessed of professional qualifications, he is disqualified from practising his profession by the order of any competent authority made in respect of him personally, not being an order made at his own request or within five years previously; Provided that a person shall not be deemed to be disqualified under paragraph (a) of this subsection if 5 years or more have elapsed since the date of the conviction or the end of the sentence whichever is the later.
5. Where a vacancy occurs in the office of the President-Vice-President or a

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member of the National House of Chiefs the Registrar of that House shall notify the Electoral Commissioner in writing of the occurrence of that vacancy within 14 days of such occurrence and the Electoral Commissioner shall, by notice published in the Local Government Bulletin and in such other manner as the Electoral Commissioner may think fit summon a meeting of the National House of Chiefs or the respective Regional House of Chiefs as the case may be, within twenty-one days after being notified of the vacancy for the election of a President, Vice-President or a member of the National House of Chiefs as the case may be.

6. The Electoral Commissioner may by legislative instrument make such rules as he may think appropriate for regulating the conduct of elections of the President, Vice-President and members of the National House of Chiefs.
7. The National House of Chiefs shall have the functions conferred on it by article 154 of the Constitution and also such other and corn- functions as are conferred on it by this Act or as may be concurred on it from time to time by any other enactment. House of Chiefs.
8. Subject to the provisions of this Act, the National House of Chiefs may appoint such committees comprising such persons as it may determine to assist it in the discharge of its functions and subject as aforesaid may delegate to any such committee such, of its functions as it may think fit.
9. Standing Orders made under section 4 of this Act may regulate the composition, tenure of office and procedure of such committees and may also make such other provision in relation to such committees as may appear to the National House of Chiefs to be expedient.

The National House of Chiefs shall be responsible for advising any person or authority charged by the Constitution or any other enactment with any responsibility for any matter relating to chieftaincy. The National House of Chiefs may make Standing Orders far standing the regulation and orderly conduct of its business.

- The National House of Chiefs shall meet for the dispatch of its business at such place and time as that House may determine but shall meet not less than twice in any year.
- The Registrar of the National House of chiefs shall also call a special meeting of the House upon a request made in writing in that behalf and signed by the President of that House or not less than one-half of the total number of members of the House.
- No business except that of adjournment shall be transacted at any meeting of the National House of Chiefs at which there are present less than one-half of the total number of members of the House.
- The President of the National House of Chiefs shall, if present at any meeting of the House, preside at that meeting and in his absence the Vice-President shall preside and in the absence of the Vice-President a member of the House elected by the members present from among their number shall preside at that meeting.
- Any question arising for decision by the National House of Chiefs shall be determined by the votes of the majority of the members present and voting, and in the event of an equality of votes the President or other person presiding at that meeting shall have a second or casting vote: Provided that standing orders of the National House of Chiefs may provide for the participation in the proceedings of the said House by a member through a representative and the casting of votes by proxy or by any other means of representation permitted by customary law.
- The validity of the proceedings at any meeting of the National House of Chiefs shall not be affected by any vacancy in the office of the President or Vice-President or in the membership of that House or by any defect in the appointment or election of any person holding such office.

## **PART II—REGIONAL HOUSES OF CHIEFS**

1. There is hereby established for each Region of Ghana a Regional House of Chiefs.
2. Each Regional House of Chiefs shall consist of such members as may be specified in relation thereto by legislative instrument made by the President acting in consultation with the Prime Minister.
3. There shall be a President of each Regional House of Chiefs who shall,
  - be the Head of that House,
  - in the case of the Ashanti Regional House of Chiefs, be the Asantehene, and
  - in the case of any other Regional House of Chiefs, be a chief elected in the manner specified by an instrument made under subsection (2) of this section.
1. There shall also be a Vice-President of each House who shall be a chief elected by the members of that House from their number and shall act as Head of that House in the absence of the President and shall perform the functions of the President in the absence of the President.
2. A President other than the President of the Ashanti Regional House of Chiefs and a Vice-President shall hold office for three years and shall be eligible for re-election so however that no per on shall be eligible for election as President for

more than two terms in succession.

3. Where the seat of a member of a Regional House of Chiefs becomes vacant and his successor is required by an instrument made under subsection (2) of this section to be drawn from a specified group of Chiefs
4. The Registrar of the said House shall notify the Electoral Commissioner in writing of the occurrence of the vacancy within fourteen days of such occurrence;
5. A meeting of the group shall be convened by the Electoral Commissioner by a notice published in the Local Government Bulletin
6. Subject to the following subsection, the meeting shall proceed to the election of a new member, who shall be taken to be elected if he secures a simple majority of the votes cast;
7. The Electoral Commissioner shall cause to be published in the Local Government Bulletin notice of the result of the election which notice shall be signed by him or any public officer authorised by him in writing.
8. An election shall not be held under subsection (6) of this section if less than one-half of the chiefs in the group are present and where
9. An insufficient number of chiefs is present, or no chief obtains a majority of votes cast, the new member shall be nominated by the Regional House of Chiefs from among the chiefs in the group to which the election relates.
10. A new member elected or nominated under subsection (6) or (7) of this section shall hold office for two years and shall then vacate his seat and any such member vacating his seat shall be eligible to fill the vacancy.
11. Where the office of the President of a Regional House of chiefs becomes vacant and his successor is required by an instrument made under subsection (2) of section 6 of this Act to be elected from among the members or a specified group of members
12. The Registrar of the Regional House of Chiefs shall notify the Electoral Commissioner in writing of the occurrence of the vacancy within fourteen days after the said occurrence
13. A meeting of the Regional House of Chiefs shall be convened by the Electoral Commissioner by notice published in the Local Government Bulletin
14. Subject to subsection (3) of section 11 of this Act the meeting shall proceed to the election under the supervision of the Electoral Commissioner or any public officer authorised by him in writing, by secret ballot of the President, who shall be taken to be elected if he secures a simple majority of the votes cast
15. The Electoral Commissioner shall publish the result of the election in the Local Government Bulletin giving the total number of votes cast and the number cast in favour of the successful candidate. Existing Regional Houses of Chiefs to continue.

The Regional Houses of Chiefs in existence immediately before the commencement of this Act shall be deemed to be the Regional Houses of Chiefs for the purposes of this Act.

Until an instrument is made under subsection (2) of section 6 of this Act prescribing the membership of any Regional House of Chiefs, the membership of that House shall be as it was immediately before the commencement of this Act.

Any person holding the office of Head or Deputy Head (howsoever called) or member of any such House of Chiefs immediately before the commencement of this Act, shall continue to hold such office subject to the provisions of this Act so however that any such person holding office as Head or Deputy Head shall after the commencement of this Act be referred to as the President or Vice-President respectively of that House.

Where a person to whom subsection (3) of this section applies is required by this Act to be elected he shall be deemed to have been duly elected with effect from the commencement of this Act. The authority of a Regional House of Chiefs shall apply Functions within its Region.

Each Regional House of Chiefs shall have in relation to its Regional Region the functions conferred on it by article 155 of the Constitution and also such other functions as are conferred on it by this Act or as may be conferred on it from time to time by any other enactment

If any matter is referred to it by the National Assembly or the Minister or any authority charged by any enactment with responsibility for any matter relating to chieftaincy a Regional House of Chiefs shall give consideration to the matter and report on it as may be required.

Subject to the provisions of this Act a Regional House of Chiefs may appoint such committees comprising such persons as it may determine to assist it in the discharge" of its functions, and subject as aforesaid may delegate to any such committee such of its functions as it may think fit.

Standing Orders made under section 10 of this Act may regulate the composition, tenure of office and procedure of such committees and may also make such other provision in relation to such committees as may appear to the House of Chiefs making the Standing Orders to be expedient.

Each Regional House of Chiefs may make Standing Orders Regional for the regulation and orderly conduct of its business.  
Chiefs to make Standing Orders.

Each Regional House of Chiefs shall meet for the dispatch Meetings of of its business at such place and time as that House may determine but shall meet not less than twice in any year.

The Registrar of each Regional House of Chiefs shall also call a special meeting of the

House upon a request made in that behalf and signed by the President of that House or not less than one-half of the total number of members of that House.

No business except that of adjournment shall be transacted at any meeting of a Regional House of Chiefs at which there are present less than one-half of the total number of members of that House.

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